

**PATENT**  
**Application 10/529,966**  
**Attorney Docket 1047-025**

### REMARKS

Applicant respectfully thanks the Examiner for the consideration provided to this application, and respectfully requests reconsideration of this application.

Per the Examiner's helpful suggestion, each of claims 83 and 84 has been amended for at least one reason unrelated to patentability, including at least one of: to explicitly present one or more elements, limitations, phrases, terms and/or words implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; to detect infringement more easily; to enlarge the scope of infringement; to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); to expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; to enlarge the royalty base of the claim; to cover a particular product or person in the marketplace; and/or to target the claim to a particular industry.

Claims 1, 15-17, 67-72, 74-76, and 82-88 are now pending in this application. Each of claims 1, 67-70, and 85 are in independent form.

#### I. The Prior Restriction Requirement

In response to paragraph 1 of the Restriction Requirement dated 12 June 2008 (the "prior Restriction Requirement"), Applicant elected Group II, claims 69-72, 74-76, and 82-88 with traverse.

In support of that traverse, Applicant asserted and maintains that:

"each of independent claims 1, 67-70, and 85 recites 'an **internally crosslinked polymer** comprising at least one hydrophobic substituent and at least one hydrophilic substituent.' As recognized in the IPER, Blum (US 6,180,562) does not teach expressly or inherently 'an **internally crosslinked polymer** comprising at least one hydrophobic substituent and at least one hydrophilic substituent.' Thus, contrary to the Restriction Requirement, independent claims 1, 67-70, and 85 are not anticipated or obvious in light of Blum, and therefore all of the claims share a single general inventive concept. Consequently, the Restriction Requirement is improper and should be withdrawn."

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In response to Applicant's Reply dated 30 October 2008 traversing the prior Restriction Requirement, the present Restriction Requirement asserts that "Applicants' specification recites Blum (US 6,180,562) as example [sic] of their polymers (See P36-37 of Published Application)". Yet this assertion is simply irrelevant to the **claimed subject matter**.

In their entirety, paragraphs 36 and 37 of the published version of this application read:

[0036] Certain exemplary polymers can be substantially uncrosslinked, have a relatively low amount of crosslinking, have a high degree of crosslinking, and/or be substantially crosslinked. Certain exemplary polymers can exhibit a broad freezing point transition.

[0037] The following United States Patents are incorporated by reference herein in their entirety: U.S. Pat. No. 2,579,451 (Polson), U.S. Pat. No. 2,812,317 (Barrett), U.S. Pat. No. 2,861,059 (Mowry), U.S. Pat. No. 3,200,102 (Kleiner), U.S. Pat. No. 3,563,461 (Cole), U.S. Pat. No. 3,584,412 (Palmer), U.S. Pat. No. 3,615,972 (Morehouse), U.S. Pat. No. 3,709,842 (Stoy), U.S. Pat. No. 3,864,323 (Stoy), U.S. Pat. No. 3,897,382 (Stoy), U.S. Pat. No. 4,161,084 (Army), U.S. Pat. No. 4,183,884 (Wichterle), U.S. Pat. No. 4,352,458 (Masel), U.S. Pat. No. 4,363,760 (Cioca), U.S. Pat. No. 4,419,288 (Cioca), U.S. Pat. No. 4,963,656 (Mitani), U.S. Pat. No. 5,052,618 (Carlson), U.S. Pat. No. 5,082,177 (Hill), U.S. Pat. No. 5,185,024 (Siemer), U.S. Pat. No. 5,285,769 (Wojcicki), U.S. Pat. No. 5,653,054 (Savignano), U.S. Pat. No. 5,668,082 (Miller), U.S. Pat. No. 6,057,266 (Colvin), U.S. Pat. No. 6,180,562 (Blum).

Clearly, nowhere in these paragraphs is a recitation of "Blum (US 6,180,562) as example of their" **claimed subject matter**. Nor has any evidence been presented showing that Blum (US 6,180,562) teaches or enables the claimed subject matter. Consequently, the restriction requirement is still erroneous and should be promptly withdrawn.

## II. The New Restriction Requirement

Species i, claims 69, and 71-82 are elected with traverse, because no reasonable showing of a lack of unity of invention between the claims of alleged Species i, ii, and iii has been presented. In fact, the present Restriction Requirement openly admits that these alleged Species

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are directed to a "generic invention". Thus, these alleged Species logically must be "linked as to form a single general inventive concept".

Moreover, there are certainly corresponding special technical features between each of the claims of the alleged Species. For example, each of claims 69-85 recites "a dispersion of solid particles comprising an internally crosslinked polymer comprising at least one hydrophobic substituent **and** at least one hydrophilic substituent".

Consequently, Applicant respectfully submits that the Restriction Requirement is improper and respectfully requests withdrawal thereof.

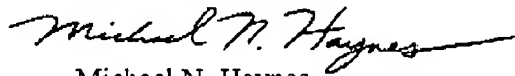
### CONCLUSION

It is respectfully submitted that the application is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

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